

REMARKS

The foregoing amendments and subsequent remarks are responsive to the Office Action dated March 12, 2003. In accordance with the Petition for an Extension of Time being filed concurrently herewith, the time for response has been extended through September 12, 2003.

Claims 1-5 and 10 have been cancelled. Claims 6-9 and 11-12 are accordingly pending.

The §112 Rejections

In the Office Action under reply, the Examiner has rejected claims 5 and 10 under 35 USC §112 as indefinite. In an effort to advance the prosecution of the captioned application, the Applicant has cancelled claims 5 and 10 in the foregoing amendments, and the §112 rejections are consequently moot.

The §103 Rejections

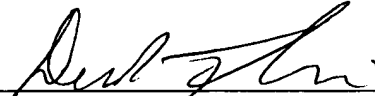
Claims 1-5 directed to treatment of hepatitis C with the combination of PEG- IFN- α and ribavirin and claims 6-12 directed to treatment of hepatitis C with the combination of a specific PEG- IFN- α conjugate and ribavirin have been rejected under 35 USC §103 as obvious over the Grint et al. and Bailon et al. references. In the foregoing amendments, claims 1-5 and 10 have been cancelled. The rejection under 35 USC §103 as to remaining claims 6-9 and 11-12 is respectfully traversed.

Grint et al. disclose only the known treatment of hepatitis C with the combination of interferon alpha and ribavirin. Bailon et al. teach generally the useful and improved characteristics of a novel branched lysine pegylated interferon alpha. However, Bailon do not teach or motivate toward or suggest the surprising advantages of treatment of hepatitis C resulting from using the specific branched pegylated IFN-alpha2a species as discovered by Applicant. Indeed, while the generic lysine branched pegylated IFN teaching of Bailon et al. acknowledges that antiproliferative and antiviral activities are "...known activities of IFN α ," (p.4, line 2) it goes on to state however that: "...the conjugate shows a surprising dissociation of antiviral and antiproliferative effects" and nowhere suggests (to the contrary in fact, see p. 3 lines 1-5) the surprising advantages to in fact be gained by treating hepatitis C with the specific lysine branched pegylated IFN- α species of the presently claimed invention.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully requested that the rejections of claims 6-9 and 11-12 be withdrawn and claims 6-9 and 11-12 allowed.

Respectfully submitted,



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